

FILED

US DISTRICT COURT
 WESTERN DISTRICT
 OF ARKANSAS
 Dec 6, 2019
 OFFICE OF THE CLERK

IN THE UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF ARKANSAS
 HOT SPRINGS DIVISION

UNITED STATES OF AMERICA,)	
Plaintiff)	
)	
v.)	No. 19-6140
)	
TERESA LYNN MERRITT,)	
Defendant)	

COMPLAINT

Comes now the United States of America, and for its cause of action against the Defendant, Teresa Lynn Merritt, states:

1. This is an action brought pursuant to the Federal Debt Collection Procedures Act, 28 U.S.C. § 3001 et. seq., and at common law.
2. The Court has jurisdiction of this action pursuant to 28 U.S.C. § 1345, and general equity jurisdiction.
3. The defendant resides in Garland County within the Western District of Arkansas, Hot Springs Division.
4. Grant began receiving Social Security Administration retirement benefits in February 1987. She died on April 30, 2014. Subsequent to the death of Grant, her benefits continued to be deposited into her bank account at Regions Bank. The defendant, Teresa Lynn Merritt, was co-account holder of said account.
5. The defendant did knowingly convert to her own use, \$23,138.00 belonging to the Social Security Administration, an agency of the United States of America.

COUNT 2: PAYMENT BY MISTAKE

6. Plaintiff hereby incorporates by reference the allegations set forth in paragraphs 1 through 5 of this Complaint.

7. From May 2014 through October 2017, retirement benefits continued to be deposited into Grant's bank account at Regions Bank in the amount of \$23,138.00 based on the erroneous belief that Grant was alive.

8. The SSA's belief that Grant was alive was material to its decision to deposit the retirement benefits into her bank account.

9. Based on SSA's belief that Emma Jean Grant was still alive, SSA mistakenly continued to deposit benefits into Grant's bank account at Regions Bank. As a result, the defendant, Teresa Lynn Merritt received Grant's retirement benefits in the amount of \$23,138.00 to which she was not entitled because Emma Jean Grant was deceased.

COUNT 3: UNJUST ENRICHMENT

10. Plaintiff hereby incorporates by reference and re-alleges herein the allegations set forth in paragraphs 1 through 5 of this Complaint.

11. From May 2014 through October 2017, the defendant, Teresa Lynn Merritt, wrongfully received and accepted \$23,138.00 in retirement benefits of Emma Jean Grant, to which she was not entitled.

12. The defendant, Teresa Lynn Merritt, has been unjustly enriched to the detriment of the United States with respect to payments totaling \$23,138.00 in retirement benefits that the United States deposited into Grant's bank account at Regions Bank.

13. These are monies that the defendant, Teresa Lynn Merritt, in good conscience should not be allowed to retain.

14. By reason of the overpayments described above, the United States is entitled to damages in the amount of \$23,138.00.

WHEREFORE, plaintiff, United States of America prays for judgment in personam against the defendant, Teresa Lynn Merritt, for the principal amount of \$23,138.00 and that the plaintiff have such other proper relief to which it is entitled.

DUANE (DAK) KEES
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